


POLICY AND PROCEDURE
Environmental Health Division

Project: Food Protection Program	Number:	Effective: 1-17-08
Subject: Restriction of artificial trans fat in food establishments	Supersedes:	Approved by: 

1.0 BACKGROUND: In July 2007, the King County Board of Health adopted Rule and Regulation (R&R) 07-02 restricting artificial trans fat in permitted food establishments. This Policy and Procedure is intended to clarify terminology in R&R 07-02 and provide guidelines for implementing the rule.

2.0 PURPOSE: To protect public health through the restriction of artificial trans fat in food establishments.

3.0 AUTHORITY:

3.1 Title 5, Code of the King County Board of Health (Rule and Regulation 07-02)

4.0 DEFINITIONS:

4.1 "Artificial trans fat": Artificial trans fat (or trans fatty acids) are substances created in an industrial process that adds hydrogen to liquid vegetable oils to make them more solid. Another name for artificial trans fat is "partially hydrogenated vegetable oil."

4.2 "Foods deemed to contain artificial trans fat": means foods that are labeled as, listed as an ingredient, or contain any kind of partially hydrogenated vegetable oil.

4.2.1 Exception: Foods with a nutrition facts label (or other documentation from the manufacturer) listing the trans fat content of the food as less than 0.5 grams per serving are not deemed to contain artificial trans fat, and are considered to have zero trans fat.

4.3 "Spread": A margarine-like or butter-like spread applied or provided for application after a product is fully cooked, baked or fried, and includes buttery spreads used for griddle frying of foods. (See 5.1.1 and 5.1.2 below for further discussion of spreads.)

5.0 POLICY:

5.1 A food establishment operating under a permit issued by the health officer may not distribute, hold for

service, use in preparing any food item, or serve any food deemed to contain artificial trans fat as set forth in this policy. However, this restriction does not apply to any food served in a school, or food served directly to patrons in a manufacturer's original sealed package. This restriction has two implementation periods:

5.1.1 May 1, 2008 through January 31, 2009 ("Phase 1"): Food establishments may not distribute, hold for service, or use oils and shortenings containing artificial trans fat for frying or in spreads. However, during Phase 1, the following spreads may continue to be distributed, held for service, or used, regardless of their artificial trans fat content:

- Margarines, oils or shortenings used for deep frying of yeast dough or cake batter
- Buttercream frosting/filling, pastry cream, icing containing partially hydrogenated vegetable oils/trans fat
- Peanut butter, hazelnut or chocolate spreads containing partially hydrogenated vegetable oils/trans fat
- Mayonnaise, margarines and margarine-like or butter-like spreads containing partially hydrogenated vegetable oils/trans fat
- Cheese spread or cheese sauce containing partially hydrogenated vegetable oils/trans fat

5.1.2 February 1, 2009 and thereafter ("Phase 2"): Food establishments may not distribute, hold for service, or use any food containing 0.5 grams or more of trans fat per serving. Products with 0.5 grams or more of trans fat per serving can include:

- Margarines and margarine-like or butter-like spreads containing partially hydrogenated vegetable oil
- Oils or shortenings, containing partially hydrogenated vegetable oil used for deep frying of yeast dough or cake batter (donuts, cakes, etc.)
- The spreads listed under 5.1.1 above if their trans fat content is 0.5 grams or more per serving.
- Mixes and pre-prepared or partially prepared items that are removed from their packaging for further preparation and/or individual portion service.

5.1.3 Spreads not restricted by the regulation: Spreads containing zero grams trans fat (less than 0.5 grams trans fat per serving) are not subject to the regulation and may be distributed, held for service, or used in the preparation of food items. Such spreads may include:

- Cream cheese
- Cheese-like spreads
- Salsa, mustard, relish, ketchup, tzatziki
- Dips containing zero grams trans fat (less than 0.5 grams trans fat per serving)

5.2 Product Labels:

5.2.1 Except as provided in paragraph 5.4 of this policy and procedure document, food establishments shall maintain on site the original labels for all food products:

5.2.1.1 That are, or that contain, fats, oils, or shortenings, including any vegetable shortenings or margarines that contain partially hydrogenated vegetable oil;

5.2.1.2 That are, when purchased by the food establishment, required by WAC 246-215-051(3), as amended, to have labels; and

- 5..2.1.3 That are currently being distributed, held for service, used in the preparation of any menu items or served by the food establishment unless served in a manufacturer's original sealed package.

5.3 Alternative Documentation

- 5.3.1 In lieu of maintaining original labels as set forth under paragraph 5.2.1 above, food establishments may maintain alternative documentation from the manufacturers of the following products, in a notebook or electronic format that is available to the inspector at the time of inspection:
 - 5.3.1.1 Any of the food products identified under paragraph 5.2.1 above; and
 - 5.3.1.2 Baked goods or other food products that are or that contain fats, oils or shortenings but are not required to be labeled when purchased.
- 5.3.2 The documentation from the food manufacturers shall include:
 - 5.3.2.1 Information indicating whether the food products contain any kind of partially hydrogenated vegetable oil, or indicating the amount of trans fat per serving; and
 - 5.3.2.2 Sufficient information to identify and communicate readily with the manufacturer's representatives, such as name(s), address(es), and telephone number(s).

5.4 PROCEDURES

- 5.5 Effective May 1, 2008, Environmental Health Investigators will ask the operators or persons in charge of food establishments to identify all supplies of oils and shortenings that are being used for frying or in spreads. Investigators will:
 - 5.5.1. Check the ingredients label for any indication of partially hydrogenated vegetable oil and, if present, review the nutrition facts panel to determine if there are 0.5 grams or more trans fat per serving.
 - 5.5.2 Identify and document, on their inspection report forms, any facts indicating that any oils or shortenings containing artificial trans fat are being used for frying or in spreads. Exceptions:
 - Margarines
 - Oils or shortenings containing artificial trans fat may be used for deep frying of yeast dough or cake batter until February 1, 2009.
- 5.6 Effective February 1, 2009, Environmental Health Investigators will ask the operator or person in charge of the food establishment to identify all supplies used in preparation of any menu item that contains partially hydrogenated oil. Investigators will:
 - 5.6.1 Check the ingredients label for any indication of partially hydrogenated vegetable oil, and if present, review the nutrition facts panel to determine if there are 0.5 grams or more of trans fat per serving.

- 5.6.2 Identify and document, on their inspection report forms, any facts indicating that foods containing artificial trans fat are being used in the preparation of any menu item or are otherwise being served to customers. (Note: a food whose nutrition facts label or other documentation from the manufacturer lists the trans fat content as less than 0.5 grams per serving will not be deemed to contain artificial trans fat.)
- 5.7 Non-compliance with Rule and Regulation 07-02 will be the basis for a five-point violation. A maximum five-point violation will apply regardless of the type(s) of non-compliance. Non-compliance will include:
 - 5.7.1 Beginning May 1, 2008, distributing, holding for service, using in preparation of any menu item or serving oils and shortenings containing 0.5 grams or more per serving of artificial trans fat used for frying (not including deep frying of yeast dough or cake batter) or in spreads.
 - 5.7.2 Beginning May 1, 2008, failing to maintain original labels or manufacturer documentation of foods as required under R&R 07-02.
 - 5.7.3 Beginning February 1, 2009, distributing, holding for service, using in preparation of any menu item or serving of margarines, oils or shortenings that are used for deep frying of yeast dough or cake batter that contain partially hydrogenated vegetable oils, and all other foods containing 0.5 grams or more per serving of artificial trans fat.
 - 5.7.4 Beginning February 1, 2009, failing to maintain required manufacturer's documentation indicating trans fat content for foods such as baked goods that are not required to be labeled when purchased.